

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

7TH & ALLEN EQUITIES,

Plaintiff,

v.

HARTFORD CASUALTY INSURANCE
COMPANY,

Defendant.

Civil Action No. 11-1567

ORDER

AND NOW, this _____ day of _____, 2011 upon consideration of Anderson Kill & Olick, P.C.'s Motion For Leave to Withdraw as Counsel, it is hereby ORDERED that said Motion is GRANTED. It is further ORDERED that Anderson Kill & Olick, P.C. is granted leave to withdraw as counsel for the Plaintiff, 7th & Allen Equities.

BY THE COURT:

J.

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COMPANY,

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JURY TRIAL DEMANDED

**ANDERSON KILL & OLICK, P.C.'S MOTION FOR LEAVE TO WITHDRAW AS
COUNSEL PURSUANT TO RULE OF PROFESSIONAL CONDUCT 1.16(B)**

Anderson Kill & Olick, P.C. ("AKO") hereby moves for entry of an Order granting AKO leave to withdraw as counsel to Plaintiff, 7th & Allen Equities, pursuant to Pennsylvania Rule of Professional Conduct 1.16(b). For the reasons and arguments set forth in the accompanying memorandum of law in support of AKO's Motion, it is requested that this Motion be GRANTED.

Respectfully submitted,

Dated: August 24, 2011

By: /s/ Pamela Hans

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ATTORNEY FOR PLAINTIFF 7TH
& ALLEN EQUITIES

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**ANDERSON KILL & OLICK, P.C.'S MEMORANDUM OF LAW IN SUPPORT OF ITS
MOTION FOR LEAVE TO WITHDRAW AS COUNSEL PURSUANT TO RULE OF
PROFESSIONAL CONDUCT 1.16(b)**

Anderson Kill & Olick, P.C. ("AKO") submits this Memorandum of Law in Support of its Motion for Leave to Withdraw as Counsel Pursuant to Pennsylvania Rule of Professional Conduct 1.16(b).

I. INTRODUCTION

AKO represents Plaintiff, 7th & Allen Equities ("Seventh & Allen") in the above-captioned matter. Due to various problems in the relationship between AKO and Seventh & Allen, AKO requests that the Court grant AKO leave to withdraw as counsel for Seventh & Allen.

One representative of Seventh & Allen consented to AKO's motion to withdraw. The other is aware that AKO is filing this motion and has not objected to it. It is AKO's understanding that Seventh & Allen intends to continue to pursue this lawsuit, but that Seventh & Allen may do so through another attorney.

AKO has sufficient grounds for this leave to withdraw. However, as Seventh & Allen does not object to this Motion, AKO will not disclose those grounds

here. In the event that the Court wishes to learn of the events leading to AKO's Motion and the facts justifying AKO's Motion, AKO will disclose those matters to the Court *in camera*. Individually and combined, however, those issues have resulted in a situation that satisfies the requirements of Pennsylvania Rule of Professional Conduct 1.16(b) for an attorney to withdraw from representation of a client. Therefore, the Court should grant this Motion and grant AKO leave to withdraw as counsel in this matter.

II. LEGAL STANDARD

Pursuant to Pennsylvania Rule of Professional Conduct 1.16(b); a lawyer may withdraw from representing a client if:

* * *

- (5) the client fails to substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;
- (6) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or
- (7) other good cause for withdrawal exists.

AKO has represented Seventh & Allen since before the filing of this lawsuit. During this time, AKO has worked diligently and effectively for Seventh & Allen. However, the attorney-client relationship between AKO and Seventh & Allen has become more and more untenable.

Under the Pennsylvania Rules of Professional Conduct, attorneys are required to, amongst other things, "reasonably consult with the client about the means by which the client's objectives are to be accomplished." PA. R. PROF'L CONDUCT 1.4(a)(2). The current limitations on AKO's ability to communicate with Seventh & Allen

make it entirely unreasonable for AKO to continue effectively and properly to represent Seventh & Allen.

In light of these problems, AKO's ability to communicate and serve as an independent advisor has been made unreasonably difficult. Therefore, AKO cannot continue to represent Seventh & Allen and should be granted leave to withdraw as counsel, pursuant to Pennsylvania Rule of Professional Conduct 1.16.

III. CONCLUSION

For the foregoing reasons, this Court should grant Anderson, Kill & Olick P.C.'s Motion For Leave To Withdraw As Counsel and enter an Order in the form attached hereto.

Respectfully Submitted,

Dated: August 24, 2011

By: /s/ Pamela Hans
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ATTORNEY FOR PLAINTIFF 7TH
& ALLEN EQUITIES

CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2011, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing.

/s/ Pamela Hans

Pamela Hans